IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 5898 of 2005

Between:

S. Narender Reddy, S/o. S. Siva Reddy,
O/o. Sri Padmavathi Venkateswara Swamy Devasthanam, Kushaiguda, Hyderabad, Ranga Reddy District.

..... PETITIONER

AND

1. The Commissioner of Endowments, Andhra Pradesh, Boggulakunta, Hyderabad.
2. The Regional Joint Commissioner, Endowments, Department, Multi-Zone III, Boggulakunta, Hyderabad.
3. The Executive Officer, Sri Padmavathi Venkateshwara Swamy Devasthanam, Kushaiguda, Hyderabad, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus declaring the impugned order of the 3rd respondent vide Proceedings Rc.No. 04/SPVD/2005, dated 17-3-2005 cancelling the earlier order dated 21-02-2005 of the 3rd respondent Devasthanam as illegal, arbitrary, violative of principles of natural justice and contrary to law and consequently set aside the same while directing the respondents herein to continue the Petitioner as Senior Assistant in the 3rd respondent Devasthanam as usual.

Counsel for the Petitioner: MR.J.KANAKAIAH

Counsel for the Respondent Nos.1 and 2: GP FOR ENDOWMENTS

Counsel for the Respondent No.3: MR.RAVI KONDAVEETI

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the reversion order, dated 17.03.2005.

It is stated in the affidavit filed in support of the writ petition that the petitioner was appointed as a Junior Assistant on 01.05.1993 in the respondent-Department and was discharging services as such. According to the petitioner, he passed test under the Endowments Act, Endowment Rules Examination in the year 1996; Accounts Test for Subordinate Officer Part-II and Accounts Test for Executive Officers in year 1997 which are essential requirements for promotion to the post of Senior Assistant. As he is fulfilling all the required eligibilities, he made a representation seeking promotion, based on which, an order was passed on 21.02.2005 promoting him to the post of Senior Assistant. However, the said order was set aside reverting him to the post of Junior Assistant by proceedings dated 17.03.2005 of the third respondent. Hence, the petitioner has come up with the present writ petition.

This Court, while ordering status quo, directed the respondents to file a counter affidavit and accordingly a counter affidavit is filed on behalf of the third respondent. In the counter, it is stated that as the petitioner's case alone was considered without considering other similarly placed Junior Assistants, on their representation, the order dated 21.02.2005 was set aside. Therefore, it is now represented that the respondents would consider the claims of all the Junior Assistants including that of the petitioner and pass appropriate orders

promoting one of the Junior Assistants who is meritorious and fulfilling all the requirements for being promoted as a Senior Assistant. Therefore, it is represented that the respondents are willing to pass appropriate orders, but, in view of status quo orders passed by this Court, they are not in a position to pass such orders.

Heard both sides and considered the material on record.

As it is represented that the promotion to the post of Senior Assistant would be considered by considering all the eligible candidates, the petitioner can have no grievance as, admittedly, the earlier order was passed without considering the claims of other similarly placed persons who are also eligible for being promoted as a Senior Assistant.

Under the above circumstances, the writ petition is disposed of directing the respondents to consider the claims of all the Junior Assistants who are being eligible for being promoted and pass appropriate orders expeditiously, preferably within a period of three months. No costs.

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30.06.2005

VGB

To

1. The Commissioner of Endowments, Andhra Pradesh, Boggulakunta, Hyderabad.

2. The Regional Joint Commissioner, Endowments, Department, Multi-Zone III, Boggulakunta, Hyderabad.

3. The Executive Officer, Sri Padmavathi Venkateshwara Swamy Devasthanam, Kushaiguda, Hyderabad, Ranga Reddy District.

4. 2CCs to the Government Pleader for Endowments, High Court Buildings, Hyderabad. (OUT)

5. 2CD copies.